United Nations A/60/PV.76

General Assembly
Sixtieth session

Official Records

76th plenary meeting
Thursday, 13 April 2006, 3 p.m.
New York

President: Mr. Eliasson ..... (Sweden)

In the absence of the President, Mr. Sardenberg (Brazil), Vice-President, took the Chair.

The meeting was called to order at 3.15 p.m.

Agenda item 7 (*continued*)

Organization of work, adoption of the agenda and allocation of items: requests for the inclusion of additional sub-items

Note by the Secretary-General (A/60/236)

Note by the Secretary-General (A/60/237)

The Acting President: As indicated in both his notes, the Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the sixtieth session of the General Assembly of two additional sub-items, entitled "Election of forty-seven members of the Human Rights Council" and "Election of seven members of the Organizational Committee of the Peacebuilding Commission", under agenda item 112, entitled "Elections to fill vacancies in subsidiary organs and other elections".

Owing to the nature of the two requests, unless there is any objection, I shall take it that the General Assembly agrees to waive the relevant provision of rule 40 of the rules of procedure, which would require a meeting of the General Committee on the question of the inclusion of two sub-items in the agenda.

It was so decided.

The Acting President: The General Assembly will first take up the request submitted by the Secretary-General in document A/60/236.

May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of the current session an additional sub-item entitled "Election of forty-seven members of the Human Rights Council", under agenda item 112, entitled "Election to fill vacancies in subsidiary organs and other elections", under heading I of the agenda, entitled "Organizational, administrative and other matters"?

It was so decided.

The Acting President: In his note, the Secretary-General further requests that the sub-item be considered directly in plenary meeting. May I take it that the General Assembly, as requested by the Secretary-General, wishes to consider that sub-item directly in plenary meeting?

It was so decided.

The Acting President: I should like to inform Members that the new sub-item becomes sub-item (e) of agenda item 112 of the current session.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

06-31027 (E)

The General Assembly will now take up the request submitted by the Secretary-General in document A/60/237.

May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of the current session an additional sub-item entitled "Election of seven members of the Organizational Committee of the Peacebuilding Commission", under agenda item 112, entitled "Election to fill vacancies in subsidiary organs and other elections", under heading I of the agenda, entitled "Organizational, administrative and other matters"?

It was so decided.

The Acting President: In his note, the Secretary-General further requests that the sub-item be considered directly in plenary meeting. May I take it that the General Assembly, as requested by the Secretary-General, wishes to consider that sub-item directly in plenary meeting?

It was so decided.

The Acting President: I should like to inform Members that the new sub-item becomes sub-item (f) of agenda item 112 of the current session.

Agenda item 157 (*continued*)

Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter dated 27 March 2006 from the Secretary-General addressed to the President of the General Assembly (A/60/741)

Letter dated 10 April 2006 from the President of the Security Council addressed to the President of the General Assembly (A/60/746)

The Acting President: Members will recall that the General Assembly concluded its consideration of item 157 at its 26th plenary meeting, on 4 October 2005.

In order to enable the General Assembly to consider the letter from the Secretary-General dated 27 March 2006 and the letter dated 10 April 2006 from the President of the Security Council addressed to the President of the General Assembly, contained in documents A/60/741 and A/60/746, respectively, it will be necessary to reopen the consideration of agenda item 157. May I take it that it is the wish of the General Assembly to reopen the consideration of agenda item 157?

It was so decided.

The Acting President: In order for the General Assembly to take action expeditiously on documents A/60/741 and A/60/746, I shall take it that the Assembly agrees to proceed immediately to the consideration of agenda item 157.

It was so decided.

The Acting President: Accordingly, the General Assembly will now resume its consideration of agenda item 157, entitled "Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991".

In his letter (A/60/741), the Secretary-General informs the Assembly that the President of the International Tribunal has requested that Judge Joaquín Martín Canivell, a national of Spain, be able to continue to serve in the trial in the *Krajišnik* case, to which he was appointed as an ad litem judge on 1 May 2003 and which is still ongoing before the International Tribunal, and to see the case through to its completion.

The Secretary-General, in his letter, recalls for the Assembly that Judge Canivell's term of office as a member of the pool of ad litem judges had come to an end on 11 June 2005 and that he was not re-elected as an ad litem judge. However, in response to the requests contained in the Secretary-General's letter of 6 January 2005 (A/59/666), the Security Council, by its resolution 1581 (2005) of 18 January 2005, and the General Assembly, by its decision 59/406 B of 20 January 2005, decided, inter alia, that Judge Canivell, once replaced as an ad litem judge of the International Tribunal, should finish the *Krajišnik* case, which he had begun before the expiry of his term of office. The Council, by the same resolution, as well as the Assembly, by its decision, took note of the International Tribunal's intention to finish the *Krajišnik* case before the end of April 2006, which would have kept Judge Canivell's service at the International Tribunal within the period of three years

for which ad litem judges are allowed to serve in trials during their term, pursuant to article 13 ter (2) of the statute of the International Tribunal.

The Secretary-General also informs the Assembly that he has been informed by the President of the International Tribunal that the *Krajišnik* case is expected to be completed only by August or September 2006. Consequently, the Secretary-General would appreciate confirmation from both the Security Council and the General Assembly that Judge Canivell can continue to sit in the *Krajišnik* case beyond April 2006 and see the case through to its completion, notwithstanding the fact that the cumulative period of his service in the International Tribunal would then attain and exceed three years.

In his letter addressed to the President of the General Assembly contained in document A/60/476, the President of the Security Council transmits the text of Council resolution 1668 (2006), of 10 April 2006, whereby the Council, inter alia,

> "Decides in response to the request by the Secretary-General to confirm that Judge Joaquin Canivell can continue to sit in the Krajišnik case beyond April 2006 and see the case through to its completion, notwithstanding the fact that the cumulative period of his service in the International Criminal Tribunal for the Former Yugoslavia would then attain and exceed three years". (*Security Council resolution 1668 (2006), paragraph 1*)

If there is no objection, I propose that the Assembly decide to endorse that recommendation of the Secretary-General, which was endorsed by the Security Council in its resolution 1668 (2006) of 10 April 2006.

It was so decided.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 157?

It was so decided.

The meeting rose at 3.25 p.m.